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Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 3.40 p.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36, A/50/743)

1. Mr. ALAIDEROOS (Yemen) said that his Government welcomed the prospect of the visit soon to be made to Yemen by the High Commissioner for Human Rights. The item before the Committee concerned all the prerequisites for the establishment of a new world order, which must be based, among other international human rights instruments, on the Universal Declaration of Human Rights, the Geneva Conventions, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action.

2. Implementation of those instruments could only serve to strengthen security, peace and social justice, and pave the way for fruitful cooperation based on equity, complementarity and concern for the common interest. The Vienna Declaration and Programme of Action had reaffirmed the indivisibility of human rights and had invited the international community to accord them equal

importance while respecting the cultural, religious and other particularities of individuals and States.

3. His Government was committed to ensuring respect for all human rights - economic, political, social and cultural - enshrined in its Constitution and guaranteed under national legislation. Yemen had acceded to most international human rights instruments, in particular the two Covenants. It was in that vein that his delegation accorded particular importance to the monitoring of human rights questions and proposed to cooperate fully with the Commission on Human Rights. It had submitted its reports within the established deadlines and dispatched an expert mission to provide any additional information that the Commission might seek.

4. Its faith in democracy and the importance that it attached to the right to development, a constituent element of human rights, placed Yemen in the vanguard of the implementation of conventions and other international human rights instruments, taking full account of the specific economic, historical and cultural characteristics of the country. Thus it had succeeded in establishing the foundations of a democracy based on political pluralism and peaceful discourse, a process which had led to the free, direct elections held in 1993. The country was currently preparing for legislative elections in the summer of 1997.

5. Yemen had a number of political parties and the press was free. It had restructured its economy to promote the transition towards a market economy, based in part on the privatization of the public sector, in the interest of society as a whole.

6. His delegation, while deploring human rights violations wherever they occurred, was of the view that the most serious threats to human rights were selectivity, politicization and the use of double standards, which resulted in humanitarian considerations and national differences being sacrificed on the altar of political objectives.

7. Mr. FOWLER (Canada) said that under international law State violence could no longer be considered an internal matter. The international community must ensure the universal application of human rights standards, since sovereignty conferred no licence on any State to abuse the fundamental rights of its people.

8. Africa offered many examples of the vicious circle in which all kinds of conflict and human rights violations bred on each other. Some African countries, such as Sierra Leone and Liberia, were embarked on a process which should put an end, through democratic elections, to years of conflict and human rights abuses, whereas others, such as Somalia, had no solution in sight.

9. In Nigeria the regime established by General Abacha, after having annulled the fairest and most peaceful elections in the history of the country, had given itself absolute legal power and had abolished the right of habeas corpus. Elected bodies had been dissolved, democratic leaders jailed, newspapers closed and labour unions and minorities repressed. The execution of Ken Saro Wiwa and other human rights defenders had outraged the collective conscience of the

world. Canada supported the measures taken by the Commonwealth and the United Nations to promote full respect for human rights in Nigeria.

10. On the Sudan, his delegation was concerned about the prolonged civil war and human rights violations. The Sudan still refused to cooperate with the Special Rapporteur. The Organization of African Unity had called on the Sudan to stop supporting terrorist activities. It should be noted, however, that the Sudanese Government had released political prisoners.

11. His Government was convinced that the international community must take preventive action by sending international monitors to Burundi and providing technical assistance to that country, the stability of which was being undermined by extremist factions willing to increase ethnic tension in pursuit of their aims.

12. Canada fully supported the United Nations Human Rights Field Operation in Rwanda, whose technical assistance programmes should strengthen the system for the administration of justice in the country. Those suspected of crimes against humanity must be prosecuted provided that there was sufficient evidence and that there was full regard for due process. Further, the judicial system must take urgent steps to alleviate the appalling conditions in places of detention and to accelerate the processing of the 58,000 persons in prison. The Rwandan Government had recently reiterated its commitment to facilitate the return of refugees, whose presence in Zaire represented a heavy burden for the people of that country. He welcomed the pledge made by the President of Zaire to reduce violence and intimidation in Zaire. The rapid, orderly and voluntary repatriation of refugees was essential to stability in the Great Lakes region.

13. His delegation strongly condemned terrorism and human rights violations in Algeria and encouraged all parties to respect the democratic aspirations that the Algerian people had demonstrated during the recent presidential elections.

14. International peace and security were also threatened on other continents. In the former Yugoslavia, there had been extreme human rights abuses. The international community should seize the opportunity provided by the peace settlement to help the countries concerned to inculcate a real culture of respect for human rights and establish institutions to monitor the situation in that field.

15. In Asia, the human rights situation in Jammu and Kashmir continued to be worrisome. Only a negotiated solution of the Kashmir issue, with due regard for the rights of all concerned, could put an end to the violence, which sometimes deliberately targeted foreign tourists.

16. Human rights abuses continued to mark the brutal ethnic conflict in Sri Lanka. His delegation considered that all parties involved should respond positively to President Kumaratunga's call for the negotiation of a lasting solution.

17. The role of special rapporteurs and special representatives and human rights treaty-monitoring bodies was to ensure that States lived up to their

commitments. All Governments should cooperate fully with the special rapporteurs of the Commission on Human Rights and with the treaty bodies.

18. As indicated in the latest report of the Special Rapporteur for Iraq, gross violations of human rights continued unabated in that country, especially against the Shiites, Kurds and other populations of northern Iraq. By refusing to avail themselves of Security Council resolution 986 (1995), which would allow oil-export proceeds to alleviate the humanitarian situation, the Iraqi authorities were creating untold hardship for most of the population.

19. The Islamic Republic of Iran should end immediately its practice of arbitrary detention and ill-treatment of detainees, non-observance of due process, and summary or unjustified executions. It should also rescind the fatwa against Salman Rushdie and end all discrimination against religious minorities - Christians, Jews and Baha'is. His delegation welcomed the fact that the Special Representative for the Islamic Republic of Iran had been invited to visit that country, and considered that the Iranian authorities should take the necessary measures to ensure that that visit took place as soon as possible and without conditions.

20. Human rights violations were continuing on a massive scale in Myanmar. The release of Daw Aung San Suu Kyi from house arrest had not improved the overall situation. Thousands of political prisoners were still detained in deplorable conditions. The regime continued to torture and execute its opponents or to subject them to forced labour instead of committing itself to national reconciliation and democratic reform.

21. In East Timor, the initiation of a dialogue between the representatives of all political leanings had made it possible to achieve a degree of consensus. However, the territory continued to be racked by violence and killings, and the Indonesian National Human Rights Commission had reacted to that situation. The Indonesian Government should implement the recommendations of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. His delegation expected the Government, which had invited the High Commissioner for Human Rights, to grant the High Commissioner access to all persons he wished to meet.

22. His delegation was still concerned at the human rights situation in China, especially with regard to the freedom of expression and religion. Canada appreciated China's efforts to make the judicial system more transparent and open, and looked forward to be able to cooperate with China on the issues of human rights and the rule of law.

23. His delegation urged the Vietnamese authorities to implement the recommendations of the Working Group on Arbitrary Detentions following its October 1994 visit to Viet Nam, and to put an end to the practice of imprisoning religious leaders and individuals calling for democratic reforms.

24. The Cuban authorities' release of a number of political prisoners was a sign of goodwill, as was the progress that had been achieved in the area of economic and social rights. Nevertheless, much remained to be done in the areas of civil and political rights. His delegation urged Cuba to receive the Special

Rapporteur. Cuba should follow through on its stated willingness to work with thematic rapporteurs.

25. The situation was not uniformly bleak. Other parts of the world had made progress towards greater respect for human rights. In that regard, the situation in Latin America was encouraging.

26. The return of President Aristide to Haiti had enabled the Government to improve the human rights situation. Canada would continue to support the strengthening of civil institutions in Haiti, as had the High Commissioner for Human Rights in the case of the National Commission of Truth and Justice and as the Centre for Human Rights intended to do by organizing specialized training seminars in Haiti.

27. His delegation noted with satisfaction that the independent expert of the Commission on Human Rights who had visited El Salvador had concluded that that country had made significant progress in respect for human rights, and it attached special importance to the conclusion of a technical cooperation agreement between the Government of El Salvador and the Centre for Human Rights.

28. His delegation also noted the continuing improvement in Peru's human rights situation and the fact that free and democratic elections had again been held in early 1995. However, the authorities had not yet eradicated the practice of arbitrary detention and other grave human rights abuses by security forces. Peru should put an end to those abuses and strengthen its democratic institutions.

29. In Colombia, the administration and the judiciary were making efforts to put an end to corruption, the activities of drug-traffickers, and impunity for all human rights violators. However, their task was complicated by escalating violence.

30. Recent reports from the Human Rights Verification Mission in Guatemala (MINUGUA) had shown that human rights in Guatemala still provided grounds for serious concern. His delegation hoped that the results of the recent elections would help encourage respect for human rights and strengthen democratic development in Guatemala.

31. In the year of the fiftieth anniversary of the United Nations and more than two years after the World Conference on Human Rights, the United Nations system was still not adequately equipped to meet the growing demands confronting it in the field of human rights. The stakes were crucial: if the system could not meet a basic responsibility that was central to the very purpose of the Organization, it was not clear how it could ensure economic and social development and guarantee international peace and security.

32. Mr. BIGGAR (Ireland) said that his delegation wished to deal more specifically with the question of religion or belief. While all human rights derived from the inherent dignity of the human person, freedom of thought, conscience, religion or belief was in a unique way central to human dignity. If freedom to follow one's conscience and beliefs was removed, what was left of human freedom? It was for that reason that the Universal Declaration of Human

Rights considered that freedom of speech and belief, along with freedom from fear and want, were among the highest aspirations of humanity.

33. Religion or belief was central to the identity of each individual person, whether one adhered to an organized religion, whether one followed new cults, or whether, out of personal conviction, one adhered to no religious belief. Moreover, religion, together with language, ethnic origin or political views, frequently formed part of the basis - if not the sole basis - that linked together the individual members of a particular community.

34. There could be no doubt that it was because of religious intolerance and discrimination based on religious belief, which were as old as recorded history, that freedom of religion and belief had been among the first issues to be addressed in the development of human rights standards. Indeed, many of the principles underlying modern human rights standards had arisen from the assertion by individuals of their fundamental right to profess the belief of their choice and their denial of the right of States or rulers to impose religious beliefs on the individual. Article 4 of the International Covenant on Civil and Political Rights underlined the fact that freedom of religion and belief was central to human rights: it was one of the rights from which no derogation could be made, even when the life of the nation itself was threatened. And just as the right to profess or adopt the religion or belief of one's choice could not be limited, the same held true for the right to change one's religion.

35. Fifty years earlier, the Charter of the United Nations had proclaimed the duty of States to protect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. That commitment had been reaffirmed by the international community on numerous occasions, in particular in the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action. The question of religion and belief had been addressed more specifically in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

36. The Special Rapporteurs of the Commission on Human Rights had demonstrated that freedom of religion and belief continued to be violated in many parts of the world, particularly in the Islamic Republic of Iran, Iraq, China, the former Yugoslavia and the Sudan. In the most serious cases reported, persons who did not profess the religion of the majority had been subjected to systematic persecution, if not to torture or execution. In certain cases, for example in the former Yugoslavia, violations of the right to freedom of religion or belief had been the consequence of ethnic conflict and a desire to eradicate the religious and cultural base of certain ethnic communities.

37. His delegation was particularly concerned at the situation of religious minorities in the Islamic Republic of Iran. The persecution of the Baha'is threatened the very existence of that community, and some members of the Christian community had also been attacked. He looked forward to the report of the Special Rapporteur on Religious Intolerance, who was scheduled to visit Iran in the near future. He also welcomed the announcement by the Special Representative of the Commission on Human Rights on the situation of human

rights in the Islamic Republic of Iran that he had also been invited to visit the country, and he urged the Iranian Government to allow him to make his visit as soon as possible and without conditions.

38. The situation of religious believers in China also gave cause for concern. In particular, there had been clear attempts to undermine the ethnic, cultural and religious identity of Tibet, including interference in the selection of the Panchen Lama.

39. His delegation had also taken note of the examples of religious intolerance included in the report of the Special Rapporteur on the situation of human rights in the Sudan and he urged the Sudanese Government to respect religious freedom and cooperate with the Special Rapporteur. It could make a start by dissociating itself from the threats that had been made against the Special Rapporteur personally. His delegation would appreciate clarification of the remarks made by the representative of the Sudan at a recent meeting of the Third Committee.

40. The interim report of the Special Rapporteur on Religious Intolerance, which summarized the information that he and his predecessor had received, made it clear that intolerance and discrimination based on religion and belief occurred throughout the world and affected people of all religious persuasions. The majority of violations of the right to religious freedom perpetrated during that period had also involved violations of the right to life and the right to physical integrity and security of the person.

41. Governments must ensure that their constitutional and legal systems provided de jure and de facto protection for human rights and fundamental freedoms, including freedom of religion and belief, and offered remedies to people whose rights had been violated. They should also keep the number of restrictions on human rights to a minimum. As far as freedom of religion was concerned, the only possible restrictions related to the freedom to manifest one's religion or beliefs, and such limitations were only permissible if they were prescribed by law and complied strictly with the provisions of article 18, paragraph 3, of the International Covenant on Civil and Political Rights.

42. The best safeguard was still the inculcation of tolerance, specifically towards people who professed a religion which was not shared by the majority of a country's population. Governments could use the educational system to achieve that goal. Non-governmental organizations also played a vital role by exposing cases of discrimination and intolerance and bringing them to the attention of the international community. In the last analysis, however, individuals had to ask themselves whether, consciously or otherwise, they were promoting intolerance or discrimination in matters of religion or in other matters.

43. His delegation intended to introduce a draft resolution on the elimination of all forms of intolerance based on religion or belief. It hoped that it would be adopted by consensus and that the international community would thereby show its determination to ensure that all individuals could profess and practice the religion or belief of their choice without fear of discrimination.

44. Mr. MEHRPOUR (Islamic Republic of Iran) said that the General Assembly had always been concerned with human rights questions. Numerous instruments had been adopted and numerous bodies had been formed to implement the principles of brotherhood, equality and non-discrimination embodied therein. However, the world was still witnessing extensive violations of human rights, such as crimes against humanity, genocide and other attacks on human dignity, for example those perpetrated against the Muslims of Bosnia or communities in Rwanda. The world had also witnessed alarming and shameful new forms of slavery or sexual exploitation such as the traffic in women and children. Some commendable steps had been taken, such as the announcement of the Decade for Human Rights Education and the United Nations Year for Tolerance, and measures had been put in place to combat violence. However, although efforts to encourage tolerance were commendable, the need to strengthen the spirit of religion and faith in God, which played a pivotal role in the prevention of human rights violations, should not be neglected in the educational projects of the United Nations. Impartiality should be the guiding principle whenever the United Nations investigated the human rights situation in various countries, and the questions under consideration should not be exploited for political ends - the countries concerned would be more receptive to United Nations recommendations if they were perceived to be impartial. Similarly, in order to achieve as broad a consensus as possible and maximize cooperation, the international community should pay due attention to the ethical, cultural and religious values of all nations.

45. His Government, relying on the lofty principles of Islam, had put in place a just system in which the rights of all were respected. In addition to the State institutions responsible for enforcing the laws that had been adopted in accordance with the Constitution, which guaranteed universal equality before the law, there were also three institutions which ensured respect for the rights prescribed by the Constitution: a special committee to examine complaints laid before Parliament by individuals who believed that their rights had been violated by the executive or the judiciary; a tribunal for administrative justice, which was responsible for examining complaints lodged against government agencies and their officials and, where appropriate, nullifying any decisions handed down by those agencies that it determined to be contrary to existing laws and procedures; and a national inspection organization, which monitored compliance by all government bodies with the rules of law. Moreover, in accordance with General Assembly resolution 48/34 and the recommendations of the Vienna World Conference on Human Rights, his Government had, at the beginning of 1995, established a commission for Islamic human rights comprising a supreme council and numerous committees to address various issues relating to individual rights, such as the protection and promotion of women's rights, the Islamic doctrine of human rights and the investigation of complaints. In all its efforts, the Islamic Republic of Iran had benefited from the cooperation of United Nations bodies and it hoped that such cooperation would continue in the future.

46. Mr. MATESIC (Croatia) said that all human rights, including the right to development, were equal and there should be no attempt to create a hierarchy of rights. Cultural, economic and societal differences between countries must be considered when addressing the issue of respect for human rights, but those differences should not serve as an excuse for the failure of certain States to respect internationally recognized standards. Moreover, the issue of human

rights must be approached objectively; the use of human rights to pursue a political agenda could prove counterproductive.

47. In order to protect human rights effectively, it was necessary to strengthen the established mechanisms. Universal ratification of the human rights instruments would be a step in the right direction, but it must also be followed by the actual implementation of those instruments by States parties. The coordination of United Nations mechanisms must also be strengthened and their work must be rationalized. To that end, support, in particular financial support, should be given to the United Nations High Commissioner for Human Rights.

48. Croatia was pleased that the peace negotiations in Dayton (Ohio) had resulted in the signing of an agreement, which must now be implemented. It was Croatia's fervent hope that the gross violations of international humanitarian law and of human rights initiated by Serbian aggression would finally end. The incomprehensible barbarity of the Bosnian Serbs during the seizure of the towns of Srebenica and Žepa, and more recently, in the Banja Luka region, and the lack of response on the part of the international community had been shocking. The Croatian community in Serbia and Montenegro, especially in the province of Vojvodina, had been subjected to all kinds of attacks. It was extremely disturbing that the authorities of the Federal Republic of Yugoslavia refused to recognize the existence of a Croatian national minority and to protect its rights. Of equal concern was the fate of the remaining non-Serbian population in the Vukovar region of eastern Croatia, where thousands were missing or had been forced to leave their homes.

49. The recovery by Croatia of much of its territory had generated controversy and accusations of violations of international humanitarian law and human rights. Croatia intended to discuss those issues in a straightforward manner, as it had demonstrated by the fact that it had granted unimpeded access to its territory to numerous human rights organizations. It should be borne in mind that the military operations in question had been conducted within its internationally recognized borders in order to restore the authority of the legitimate and democratically elected Government; that they had liberated the local population from the control of foreign occupation forces which for three years had conducted a campaign of genocide against ethnic Croats and other non-Serbian citizens of Croatia; and that, by lifting the seige of Bihać, they had spared thousands of individuals from meeting the same fate as the inhabitants of Srebenica. The number of Serbian civilian casualties had been extremely low for an operation on such a scale. Croatia was therefore surprised at the barrage of criticism and inaccurate and exaggerated accusations of human rights violations that had been levelled against it by international observers, which had served only to complicate still further its role in the peace process. The Government of Croatia strongly condemned the human rights violations which had been perpetrated by certain individuals or groups; it had instituted proceedings against the perpetrators of such acts and had taken measures to remedy the situation, as was confirmed by the reports of the International Committee of the Red Cross. It categorically denied that the Croatian armed forces had conducted "ethnic cleansing" during those operations. The Special Rapporteur had made no such claim in her recent report, nor could such a claim be substantiated by the facts. The overwhelming majority of the Serbs who had left in advance of the

Croatian forces had done so on the instructions of their leaders. That organized evacuation could not be compared to the mass killings, rapes and forced evictions suffered by the non-Serbian population in Croatia and Bosnia and Herzegovina.

50. It was unacceptable to attempt to place equal blame on all parties for the conflict and the human rights violations by using the term "ethnic cleansing" indiscriminately. That was a euphemism coined by the Serbs, which was used by those who did not wish to speak of genocide because, if they did so, they would have to intervene accordingly. Currently the term was used to apply political pressure. The conflict in the former Yugoslavia had been instigated by Serbia and Montenegro for purposes of territorial expansion. A refusal to recognize that fact did a disservice to everyone, both to the Serbs, who must face the truth if they wished to learn from their mistakes, and to the international community, which must distinguish between torturers and their victims if it wished to establish a lasting peace.

51. Mr. SAHRAOUI (Algeria), noting the importance which the question of human rights had assumed in the concerns of United Nations bodies, as witnessed by the major international conferences held in recent years, said he welcomed the consensus which had finally been reached on the concept that economic, social and cultural rights and civil and political rights were indivisible, equal and interrelated, a concept which was the only approach capable of ensuring the protection, promotion and, eventually, the enjoyment of all human rights.

52. Algeria, which was aware that the protection of human rights was first and foremost the responsibility of Governments, as stated in the Vienna Declaration and Programme of Action, had given human rights a prominent place in the plans for the building of a modern State based on republican principles, democracy and the changeover of political power between parties. It had therefore acceded without reservation to the international instruments for the protection of fundamental rights and, unlike many States Parties, had accepted all the monitoring mechanisms prescribed, even those which were optional. It had also recently held pluralistic presidential elections which had taken place in the presence of international observers with the broad participation of the Algerian people, in an atmosphere of calm and serenity.

53. Terrorism was responsible for the most serious and radical attacks on human rights, beginning with the most sacred, the right to life. But, as a legacy of the cold war, explanations were demanded only from States, and never from groups or individuals who spread terror and death. For instance, two previous speakers, in addition to arrogating to themselves the right to dictate to the Algerian people the future institutional evolution of their country, had failed to express the slightest sympathy for the unfortunate victims of terrorist fanaticism. Instead of siding with countries which, like Algeria, had made enormous sacrifices in order to promote human rights and democracy, some detractors preferred to level highly politicized criticisms against them, even offering a safe haven to the official spokesmen of terrorism and refusing to join those who were taking action to gain recognition of the value of the human person. Algeria now had a solid democratic foundation. It had established a political timetable for a dialogue with those political forces that rejected violence and pluralistic legislative and municipal elections which it intended

to pursue at its own pace. It would resist religious extremism and would protect the fundamental rights of its citizens by combating intolerance and related violence, as the Vienna Declaration and Programme of Action required.

54. The Vienna Conference had reaffirmed that the right to development was universal and inalienable and was an integral part of the fundamental rights of the human person. But that right, which was recognized by consensus, still had to be translated into action. A distinction was still being made between different categories of human rights, even though economic, social and cultural rights, as well as civil and political rights, were embodied in the mandates of international organizations. Unless there was a mechanism to monitor their translation into action, no progress would be achieved in the realization of the right to development. Algeria strongly endorsed resolution 1995/13 of the Commission on Human Rights, in particular the idea of establishing a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries, and that of organizing an expert meeting on the role of financial institutions in the attainment of those rights. His delegation fully supported the consultations conducted by the High Commissioner for Human Rights with Heads of State and the international financial institutions on the impact of structural adjustment on the implementation of the right to development. It hoped that the United Nations declarations, programmes of action and resolutions would quickly be translated into action in order to ensure, at both the national and the international levels, the exercise of all fundamental rights.

55. Mr. POERNOMO (Indonesia) said that he was encouraged to note that, since the adoption of the Vienna Declaration and Programme of Action, the international community had shown greater willingness to work by consensus and to cooperate in the promotion and protection of human rights. Despite that encouraging progress, it was essential to strengthen international cooperation in that field if the international community wished to avoid confrontation and misunderstanding, which were counterproductive.

56. The High Commissioner for Human Rights was making sincere efforts to provide policy direction and to bring greater coordination and effectiveness to United Nations human rights activities. He reaffirmed the need for the General Assembly, the Economic and Social Council and the Commission on Human Rights to rationalize their work with a view to avoiding duplication and promoting consensus through a strengthened system of consultation. The Indonesian delegation welcomed the efforts that were under way to strengthen the Centre for Human Rights, whose technical and advisory services were of particular importance for the developing countries as they endeavoured to strengthen their national human rights programmes. In addition, however, adequate resources must be made available to the Centre.

57. The Vienna Declaration stipulated that all human rights were universal, indivisible and interdependent and that as such they should be treated on the same footing and given the same emphasis. Limited resources, however, hindered the efforts of many developing countries to promote economic, social and cultural rights. Nevertheless, greater efforts must be made to promote those rights, in particular the right to development, which, as the World Summit for

Social Development had reaffirmed, was a universal and inalienable right and an integral part of fundamental human rights.

58. In keeping with its Constitution and pledged to a democratic system that permitted the expression of the aspirations of the people and respect for their culture, history and traditions, Indonesia was committed to the promotion and protection of human rights and was ready to work in a spirit of cooperation, setting aside extraneous political agendas. It hoped that the cooperation already begun by the United Nations would be further strengthened at the approach of the fiftieth anniversary of the Universal Declaration of Human Rights, a document adopted by consensus and with foresight.

59. Mr. ARDA (Turkey) said that the role of the United Nations in the protection of human rights was continuously expanding because, all too often, those rights were not respected and because the very notion of fundamental human rights was evolving. It was incumbent on all, States, groups and individuals, to recognize those rights which should be absolutely respected and not subjected, as some sought to do, to accommodations. The Universal Declaration of Human Rights, which established universal standards in that field, stated it very clearly: by forbidding groups and individuals as well as States from violating fundamental rights and freedoms, it implied that States too could be guilty of violations. While the main concern to date had been about violations committed by Governments, it was now necessary to put an end to the violations committed by groups which did not belong to the State and whose actions were sometimes worse than the excesses of Governments.

60. In Bosnia and Herzegovina, where the so-called defenders of human rights had been content for three and a half years to stand idly by as the worst atrocities were committed, lasting peace could be restored only if the martyred populations saw that justice prevailed: victims should not be confused with their executioners. It was imperative for the latter to be judged and for the International Tribunal for the former Yugoslavia to receive from the international community all the resources, material and otherwise, which it needed to carry out its tasks and to ensure that its decisions were effectively implemented.

61. The Albanians of Kosovo lived in fear, the object of repressive measures aimed at modifying the ethnic balance of the region. It was essential for the international community to establish mechanisms for monitoring the situation before it threatened the security of that entire part of Europe and before the problem spread further afield. Greater efforts must also be made to restore calm in Azerbaijan, where the occupation of one fifth of the territory had displaced more than a million people.

62. Despite the threat posed by a terrorist movement encouraged from abroad, Turkey was endeavouring to extend still further the scope of individual rights and freedoms: in 1987, it had given each citizen the right to have individual recourse to the European Commission of Human Rights; in 1988, it had ratified the European and the United Nations Conventions against Torture; it had also ratified the European Social Charter and the Paris Charter; and, in 1990, it had recognized the binding jurisdiction of the European Court of Human Rights. The international instruments which it signed were fully incorporated, by its

Constitution, into national legislation and took precedence where there was incompatibility with national law. It continually reviewed the latter in order to gradually expand the scope of the rights and freedoms enjoyed by citizens. Turkey attached great importance to the education of minds and had introduced into its primary, secondary and higher education programmes, as well as in police training schools, mandatory courses in democracy and human rights. It noted with satisfaction that the High Commissioner for Human Rights was seeking to develop national programmes of action and to promote technical assistance aimed at strengthening that type of education.

63. Mr. BAIG (Pakistan) said Pakistan was deeply interested in the establishment in Asia of regional and subregional mechanisms for promoting and protecting human rights. It also placed special emphasis on the need to use objective criteria when appointing rapporteurs and special representatives and to avoid any politicization and partiality which might detract from the effectiveness of the work of those observers. The international community must also resolutely oppose the attitude of certain States which refused to cooperate with the observers, took reprisals against individuals and groups which made contact with human rights mechanisms and believed that they could violate human rights with impunity. Attention must also be paid to the silent tragedies.

64. The situation continued to deteriorate in the state of Jammu and Kashmir, where Indian troops had set on fire the entire town of Charar-i-Sharif, gutted 1,000 houses and desecrated the holiest shrine. The cosmetic measures aimed at transparency which had been taken by the Indian Government were a ploy to mislead international public opinion as the level of repression escalated. Observers reported mass killings, detentions, rape and other systematic violations of human rights by the Indian authorities. Pakistan called for the dispatch of a fact-finding mission to ascertain the situation there.

65. The interventions in Burundi, Rwanda and in the former Yugoslavia had produced positive results. However, the monitoring of human rights within the framework of peace-keeping operations was no longer enough. Current monitoring arrangements must be reviewed and a more integrated approach to operations adopted. The establishment of tribunals charged with the prosecution of persons presumed to be responsible for violations of international humanitarian law in the former Yugoslavia and in Rwanda had filled a legal void. Pakistan hoped that the High Commissioner for Human Rights would continue to provide assistance to developing countries and countries in transition for the establishment of national mechanisms for protecting and promoting human rights. Pakistan had established a human rights cell which it had now decided to convert into a separate ministry.

66. Violations of the fundamental human rights of women continued to occur all over the world. The various forms of discrimination against women must be eliminated by concerted efforts at the international level. The Beijing Declaration and Platform for Action must be implemented in order to empower women at all levels through the introduction of a gender perspective in United Nations policy and to protect women against violence.

67. The realization of the right to development, which required the promotion of economic, social and cultural rights, was also of great importance. It would

serve to eliminate some of the basic and recurrent causes of human rights violations and modify relations between the developed and developing countries. Pakistan looked forward to the seminar on the role of the international financial institutions in the realization of economic, social and cultural rights. It hoped that the efforts of the international community would assume universal scope and extend to the oppressed who had thus far received little attention.

68. Mr. LIM (Republic of Korea), speaking in exercise of the right of reply with reference to the statement by the representative of the Democratic People's Republic of Korea at the previous meeting, said that the latter was not in a position to talk about human rights, which his Government failed to respect in any sphere, whether political, economic or social. The totalitarian system which prevailed in that country, where power was transmitted as in a medieval dynasty, was not such as to permit the participation of individuals; it condemned its people to a life of economic insecurity, and kept them under close surveillance and subject to all manner of strict controls. Amnesty International had even reported that more than 100,000 political prisoners were detained in huge concentration camps.

69. His own country, on the contrary, was a genuine civilian democracy and ranked eleventh in the world economy. It allowed its people to come and go as they pleased and was committed to the protection of fundamental human rights, as could be seen from its continuing participation in the work of the Commission on Human Rights.

70. It had enacted a national security law because the Democratic People's Republic of Korea had been sending in armed agents and kidnapping its nationals abroad. It should be borne in mind that that country's Communist Party had set as its primary goal the reunification of the Korean peninsula under Communist rule, as its charter laid down.

71. If the Democratic People's Republic of Korea, which had never made its Penal Code public, wished to give lessons to other countries, it should start by opening up its own society and allowing in human rights organizations to observe it. Its representatives could also be expected to observe the minimum standards of decorum proper to multilateral bodies, thus proving that it was moving in the direction of reform.

72. Mr. ARDA (Turkey), replying to the criticisms made by the European Union, asserted that Turkey was a fully functioning democracy with all its institutions. The recent revision of the Constitution, which should enable citizens to participate to an even greater degree in political life, and the amendments to anti-terrorist legislation, which had resulted in the release of hundreds of persons, indeed proved that the Government and Parliament were firmly committed to further strengthening democratic institutions. Similarly, although the European Convention on Human Rights permitted the Government to introduce stringent measures in the emergency situation created by the virulent campaign of violence by the huge terrorist organization, the Kurdish Workers Party (PKK), it had preferred to give broader protection to freedom of expression.

73. In all countries there were shortcomings in legislation protecting human rights and in its implementation. That was also the case in the States of the European Union, where serious breaches of fundamental rights were often to be observed, in particular, racist acts of which Turks were often the victims. It was time to stop making one-sided allegations, based purely on political considerations, and attempting to meddle in the functioning of national justice. His Government could not regard as political opponents individuals whose connections with the PKK had been proved by independent courts. It was not guilty of an abusive use of armed force just because it was endeavouring to secure the safety of its nationals within its frontiers, as any State must do. The problem of terrorism could not be settled by pious wishes and ambivalent attitudes. The Government respected the law, and it was precisely because it refused to use more coercive measures that the terrorists were able to continue their machinations in its territory. It cooperated with the United Nations Commission on Human Rights and the Committee against Torture as well as the European Commission on Human Rights and the European Committee for the prevention of torture and inhuman or degrading treatment or punishment. The International Committee of the Red Cross, whose mandate did not include human rights, was not competent to deal with the issue of combating terrorism and had no reason to intervene in Turkish affairs.

74. Mr. AL-DOURI (Iraq), replying initially to the criticisms made by the representative of Canada, regretted that they emanated solely from the evidence submitted by the Special Rapporteur, although his Government had taken pains to reveal the fallacious nature of that information, which was manifestly based on political considerations. The Shiites, who were of Arab origin and did not comprise a religious group, accounted for 10 per cent of the population and were a basic part of it; they were completely integrated into the nation's political, social and cultural life and inter-group conflicts existed solely in the imagination of the Special Rapporteur. The Kurds were currently grouped in a zone under American supervision and no longer came under the authority of the Government of Iraq, which therefore could hardly be said to be infringing their rights. Critics who reported political assassinations would find it difficult to identify a single instance. With regard to the alleged Government reprisals against the population, it was difficult to imagine how leaders worthy of the name could fail to try to provide a response to their nation's needs. If his Government rejected Security Council resolution 986 (1995), it was precisely for humanitarian reasons; if it was unable to export its oil and was subjected to unacceptable conditions, it was the population that suffered as a result.

75. The representative of Ireland for his part had made allegations of religious intolerance against the Government of Iraq; those allegations were completely fallacious. It should be known that Iraq had, throughout its history, shown tolerance to religious minorities, for example, by taking in Christians from countries outside the Arab world. It also maintained good relations with the Holy See and hosted two Christian conferences every year; and the Government had two Christian ministers.

76. Mr. PANG SENG (China), noting that certain countries were ever ready to indulge in the pleasure of criticizing others, wished to reply in particular to the representative of Ireland, a country which would do well to engage in some soul-searching and consider the religious idiosyncrasies of its own population,

as well as the constraints that it placed on certain fundamental rights. When its representative dared to take the liberty of making outrageous comments on Chinese policy and reproached China for interfering in the religious customs of Tibet, it might be wondered whether he had any idea at all of the traditions of Tibetan Buddhism or of the diverse religions existing in China. He could only be advised to remain silent, instead of interfering in the internal affairs of other countries.

77. Mr. KUOL-ALOR (Sudan) replied to the representatives of Ireland and Canada by referring them to document A/C.3/50/10, in which his Government had refuted in detailed form all the baseless allegations against it. However, he wished to repeat that his Government was prepared to receive the Special Rapporteur once again and to cooperate with him, with the express proviso that he would withdraw the insulting comments he had made in respect of Islamic law and doctrine. If the Special Rapporteur agreed to accept that modest and reasonable requirement, he could be assured of the assistance of the Government of Sudan, despite the many reservations that Government might have with regard to a person who showed partiality, maintained relations with the opposition abroad and called for foreign intervention and sabotage to overthrow the leaders in power. The Government considered that it was no solution to assassinate the Special Rapporteur, but if the latter continued to demand the abolition of Islamic law, it would not answer for the fate which might await him at the hands of offended Muslims.

78. Mr. LI Song Il (Democratic People's Republic of Korea) replied to the representative of the Republic of Korea with a lengthy comparison of the good conditions in the Democratic People's Republic of Korea - which guaranteed respect for human rights, took pains to ensure equality between rich and poor, placed the means of production at the service of the people and gave the family the position it deserved - with the situation in the Republic of Korea, an open prison where dirty money was laundered. In particular, he referred to the national security law, which had been enacted as a result of the notion that the neighbour to the North was the enemy and which enabled its leaders to imprison certain citizens and remain in power.

The meeting rose at 6.25 p.m.